IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C. KURIAKOSE

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 15228 of 2006(K)

AGAINST THE ORDER IN IA 771/2006. IN CMA.165/2004 of ADDL.DISTRICT COURT, THRISSUR

.....

PETITIONERS:

----

1. JOY, S/O.KOCHAPPAN,
CHIRAMEL HOUSE, KODANNUR, THRISSUR DIST.

2. THANKAMMA, D/O.KOCHAPPAN,
CHIRAMEL HOUSE, KODANNUR, THRISSUR DIST.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENT:

RAVI, S/O.KOCHAPPAN,
KOLATTU HOUSE, KODANNUR, THRISSUR DIST.
REPD. BY HIS WIFE AND POWER OF ATTORNEY HOLDER INDIRA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.15228/2006 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PETITION I.A.NO.771/2006 DTD. 23/03/2006 FILED BY THE PETITIONERS.**

EXT.P2: **COPY OF THE COUNTER DTD. 27/05/2006 FILED BY THE RESPONDENT.**

EXT.P3: **COPY OF THE ORDER IN I.A.NO.771/2006 DTD. 30/05/2006 OF DIST. COURT, THRISSUR.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 15228 of 2006

Dated this the 10th day of July , 2007

JUDGMENT

This writ petition is remaining defective on the reason that the 2nd respondent has not been served with notice. But I notice that there is just one respondent in the writ petition and he has been served with notice. The order impugned in this writ petition is Ext.P3 by which the court below allowed an application for readmission of the appeal filed by the petitioners, which had been dismissed on condition that the petitioners shall pay a cost of Rs.2,500/-. The petitioners grievance was regarding the imposition of cost. While admitting this writ petition, this court ordered stay of the enforcement of the above condition and permitted the hearing and disposal of the appeal. This was on 16.6.2006. In all probability, the appeal has already been disposed of in that way and hence the writ petition become infructuous. At any rate, I dispose of the writ petition ordering that the order of stay dated 16.6.2006 is made absolute

and directing the First additional District Judge, Thrissur to hear and dispose of CMA 165/2004, if the same is not already disposed of, at the earliest and at any rate within one month of receiving a copy of this judgment.

PIUS C. KURIAKOSE,
JUDGE.

dpk